

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN BYRNE,

No. C 08-4136 MEJ

Plaintiff(s),

**ORDER DIRECTING PLAINTIFF TO
FILE CONSENT/DECLINATION FORM**

vs.

MICHAEL J. ASTRUE,

Defendant(s).

Pending before the Court is Plaintiff John Byrne's Application to Proceed In Forma Pauperis. Upon review of the record in this action, the Court notes that Plaintiff has not filed a written consent to Magistrate Judge James' jurisdiction or request for reassignment to a United States District Court judge for trial. This civil case was randomly assigned to United States Magistrate Judge Maria-Elena James for all purposes including trial. In accordance with Title 28, U.S.C. § 636(c), the magistrate judges of this District Court are designated to conduct any and all proceedings in a civil case, including a jury or non-jury trial, and to order the entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district court.

You have the right to have your case assigned to a United States District Judge for trial and

1 disposition. Accordingly, Plaintiff shall inform the Court whether Plaintiff consents to Magistrate
2 Judge James' jurisdiction or requests reassignment to a United States District Judge for trial. A copy
3 of both the consent and declination forms may be obtained from the Northern District of California's
4 website at <http://www.cand.uscourts.gov/>. From the homepage, click on the "Forms" tab on the left
5 margin, then choose "Civil." The consent/declination form shall be filed as soon as possible, but no
6 later than September 18, 2008.

7 **IT IS SO ORDERED.**

8
9 Dated: September 2, 2008


10 MARIA-ELENA JAMES
11 United States Magistrate Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28